

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BAD VIBES FOREVER, LLC,

Plaintiff,

v.

THE PARTNERSHIPS AND  
UNINCORPORATED ASSOCIATIONS  
IDENTIFIED ON SCHEDULE “A”,

Defendants.

Case No. 22-cv-00937

Judge John Robert Blakey

**PRELIMINARY INJUNCTION ORDER**

Plaintiff BAD VIBES FOREVER, LLC (“BAD VIBES”) filed a Motion for Entry of a Preliminary Injunction against the against the fully interactive, e-commerce stores operating under the seller aliases identified in Schedule A to the Complaint and attached hereto (collectively, “Defendants”) and using at least the online marketplace accounts identified in Schedule A (the “Online Marketplaces”). After reviewing the Motion and the accompanying record, this Court GRANTS BAD VIBES’ Motion as follows.

This Court finds BAD VIBES has provided notice to Defendants in accordance with the Temporary Restraining Order entered February 24, 2022, [17] (the “TRO”), and Federal Rule of Civil Procedure 65(a)(1).

This Court also finds, in the absence of adversarial presentation, that it has personal jurisdiction over Defendants because Defendants directly target their business activities toward consumers in the United States, including Illinois. Specifically, BAD VIBES has provided a basis to conclude that Defendants have

targeted sales to Illinois residents by setting up and operating e-commerce stores that target United States consumers using one or more seller aliases, offer shipping to the United States, including Illinois, and have sold products using infringing and counterfeit versions of BAD VIBES' federally registered trademarks, which are covered by U.S. Trademark Registration Nos. 5,654,600; 5,771,321; and 5,627,992 (the "XXXTENTACION Trademarks") to residents of Illinois. In this case, BAD VIBES has presented screenshot evidence that each Defendant e-commerce store is reaching out to do business with Illinois residents by operating one or more commercial, interactive internet stores through which Illinois residents can and do purchase products using counterfeit versions of the XXXTENTACION Trademarks. *See* [14], which includes screenshot evidence confirming that each Defendant e-commerce store does stand ready, willing and able to ship its counterfeit goods to customers in Illinois bearing infringing and/or counterfeit versions of the XXXTENTACION Trademarks.

This Court also finds that the injunctive relief previously granted in the TRO should remain in place through the pendency of this litigation and that issuing this Preliminary Injunction is warranted under Federal Rule of Civil Procedure 65. Evidence submitted in support of this Motion and in support of BAD VIBES' previously granted Motion for Entry of a TRO establishes that BAD VIBES has demonstrated a likelihood of success on the merits; that no remedy at law exists; and that BAD VIBES will suffer irreparable harm if the injunction is not granted.

Specifically, BAD VIBES has proved a *prima facie* case of trademark infringement because (1) the XXXTENTACION Trademarks are distinctive marks and are registered with the U.S. Patent and Trademark Office on the Principal Register, (2) Defendants are not licensed or authorized to use any of the XXXTENTACION Trademarks, and (3) Defendants' use of the XXXTENTACION Trademarks is causing a likelihood of confusion as to the origin or sponsorship of Defendants' products with BAD VIBES. Furthermore, Defendants' continued and unauthorized use of the XXXTENTACION Trademarks irreparably harms BAD VIBES through diminished goodwill and brand confidence, damage to BAD VIBES' reputation, loss of exclusivity, and loss of future sales. Monetary damages fail to address such damage and, therefore, BAD VIBES has an inadequate remedy at law. Moreover, the public interest is served by entry of this Preliminary Injunction to dispel the public confusion created by Defendants' actions. Accordingly, this Court orders that:

1. Defendants, their officers, agents, servants, employees, attorneys, and all persons acting for, with, by, through, under, or in active concert with them be preliminarily enjoined and restrained from:
  - a. using the XXXTENTACION Trademarks or any reproductions, counterfeit copies, or colorable imitations in any manner in connection with the distribution, marketing, advertising, offering for sale, or sale of any product that is not a genuine BAD VIBES product or not authorized by

BAD VIBES to be sold in connection with the XXXTENTACION Trademarks;

- b. passing off, inducing, or enabling others to sell or pass off any product as a genuine BAD VIBES product or any other product produced by BAD VIBES, that is not BAD VIBES' or not produced under the authorization, control, or supervision of BAD VIBES and approved by BAD VIBES for sale under the XXXTENTACION Trademarks;
  - c. committing any acts calculated to cause consumers to believe that Defendants' products are those sold under the authorization, control, or supervision of BAD VIBES, or are sponsored by, approved by, or otherwise connected with BAD VIBES; and
  - d. manufacturing, shipping, delivering, holding for sale, transferring or otherwise moving, storing, distributing, returning, or otherwise disposing of, in any manner, products or inventory not manufactured by or for BAD VIBES, nor authorized by BAD VIBES to be sold or offered for sale, and which bear any of BAD VIBES' trademarks, including the XXXTENTACION Trademarks, or any reproductions, counterfeit copies, or colorable imitations.
2. Defendants, within fourteen (14) days after receiving notice of this Order, shall serve upon Plaintiff a written report under oath providing: (a) the identity and location, including contact information, their true name and physical address, and all associated e-mail addresses, of Defendant; (b) the

nature of Defendants' operations and all associated sales, methods of payment for services and financial information, including, without limitation, identifying information associated with the Internet Stores of Defendants, and Defendants' financial accounts, as well as providing a full accounting of Defendants' sales and listing history; and (c) the steps taken by Defendants to comply with paragraphs 1, (a)-(d) above.

3. Defendants shall not transfer or dispose of any money or other of Defendants' assets in any of Defendants' financial accounts.
4. Upon BAD VIBES' request, Defendants and any third party with actual notice of this Order who is providing services for any of Defendants, or in connection with any of Defendants' Online Marketplaces, including, without limitation, any online marketplace platforms such as Alipay US, Inc. ("Alipay"), (collectively, the "Third Party Providers"), shall, within three (3) business days after receipt of such notice, provide to BAD VIBES expedited discovery, limited to copies of documents and records in such person's or entity's possession or control sufficient to determine:
  - a. the identities and locations of Defendants, their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including all known contact information and all associated e-mail addresses;
  - b. the nature of Defendants' operations and all associated sales, methods of payment for services, and financial information, including, without

limitation, identifying information associated with the Online Marketplaces and Defendants' financial accounts, including Defendants' sales and listing history related to their respective Online Marketplaces; and

- c. any financial accounts owned or controlled by Defendants, including their officers, agents, servants, employees, attorneys, and any persons acting in active concert or participation with them, including such accounts residing with or under the control of any banks, savings and loan associations, payment processors or other financial institutions, including, without limitation, Alipay, or other merchant account providers, payment providers, third party processors, and credit card associations (e.g., MasterCard and VISA).
5. Upon BAD VIBES' request, those with notice of this Order, including the Third Party Providers as defined in Paragraph 4, shall within three (3) business days after receipt of such notice, disable and cease displaying any advertisements used by or associated with Defendants in connection with the sale of counterfeit and infringing goods using the XXXTENTACION Trademarks.
6. Any Third Party Providers, including Alipay, shall, within three (3) business days of receipt of this Order:
- a. locate all accounts and funds connected to Defendants' seller aliases, including, but not limited to, any financial accounts connected to the

information listed in Schedule A hereto, the e-mail addresses identified in Exhibit 2 to the Declaration of Robert A. Celestin, Esq., and any e-mail addresses provided for Defendants by third parties; and


b. restrain and enjoin any such accounts or funds from transferring or disposing of any money or other of Defendants' assets until further order by this Court.

7. BAD VIBES may provide notice of the proceedings in this case to Defendants, including service of process pursuant to Fed. R. Civ. P. 4(f)(3), and any future motions, by electronically publishing a link to the Complaint, this Order, and other relevant documents on a website or by sending an e-mail with a link to said website to the e-mail addresses identified in Exhibit 2 to the Declaration of Robert A. Celestin, Esq. and any e-mail addresses provided for Defendants by third parties. The Clerk of the Court is directed to issue a single original summons in the name of !00% cotton tshirts0000 Store and all other Defendants identified in the Operative Complaint" that shall apply to all Defendants. The combination of providing notice via electronic publication or e-mail, along with any notice that Defendants receive from payment processors, shall constitute notice reasonably calculated under all circumstances to apprise Defendants of the pendency of the action and afford them the opportunity to present their objections.

8. Plaintiff's Schedule A to the Complaint [2], Exhibit 2 to the Declaration of Robert A. Celestin, Esq. [14], and the TRO [17] are unsealed.
9. Any Defendants that are subject to this Order may appear and move to dissolve or modify the Order as permitted by and in compliance with the Federal Rules of Civil Procedure and the Northern District of Illinois Local Rules. Any third party impacted by this Order may move for appropriate relief.
10. The \$10,000 bond posted by BAD VIBES shall remain with the Court until a final disposition of this case or until this Preliminary Injunction is terminated.

Dated: March 21, 2022

Entered:

  
John Robert Blakey  
United States District Judge



**Schedule A**

<b>No.</b>	<b>Defendants</b>
1	!00% cotton tshirts0000 Store
2	100 cotton tshirts Store
3	100 cotton- tshirts Store
4	100 cotton,,,,,tshirts Store
5	100% cotton 009 Store
6	100% cotton T-shirt .31 Store
7	100% cotton T-shirt 122 Store
8	100% cotton T-shirt 56 Store
9	100% cotton T-shirt 70 Store
10	100% cotton T-shirt AD Store
11	100% cotton T-shirt LD Store
12	100% cotton T-shirt LS Store
13	100% Cotton T-shirts B Store
14	100% Cotton T-shirts I Store
15	100% cotton tshirts..... Store
16	17wonderland Store
17	20218688 Store
18	9.9 drop shipping Store
19	989898 Store
20	A Hui's shop Store
21	A377 Store
22	A403 Store
23	AK112 Store
24	American street Store
25	Angelbaby Store
26	Anime Streetwear Store
27	arcamphora Store
28	as0123456789 Store
29	Baseballcap8 Store
30	Baseballhats Store
31	B-C Clothes Factory Store
32	B-D Clothes Factory Store
33	beautiful life of store
34	BestCotton Store
35	bienvenida Store
36	BiscuitBear Store
37	Boutique No. 11 Store
38	Boutique No. 3 Store
39	Boutique No. 6 Store
40	Boutique Tops Store
41	Breget Store
42	Chengxin 66 Store

43	Chubby costume Store
44	Close lover Store
45	cotton T-shirt 0222 Store
46	Cotton T-shirt AA Store
47	Cotton T-shirt AX Store
48	Cotton t-shirt LA Store
49	Cotton T-shirts N Store
50	Culture Store
51	DAFENGMEISHI Store
52	DHD7 Store
53	Drop Shipping franchise Store
54	DROPPER HAT FACTORY Store
55	Elissa bag Store
56	F161 Store
57	fashionable costume 02 Store Store
58	For the Throne Store
59	GanYiQiang Store
60	GHH18 Store
61	Global Printing Clothes Store
62	Glvenkey Factory Store
63	Groove Coverage Store
64	Grumpy Piggy Store
65	gu li Store
66	Guanghuiyimeijia Dropship Store
67	GWG Store
68	Gyro Sweatshirt Store
69	H H WU Store
70	hai ou Store
71	Haokaixin Store
72	Harajuku Children's T-shirts Store
73	Haute couture store Store
74	HDA04 Store
75	Hoodie 004 Store
76	HUANGFENYING Store
77	HuHuaEr Store
78	Huston Store
79	HZthree Store
80	it tshirt A Store
81	it tshirt K Store
82	jiangchang Store
83	Jinyu Boutique Store
84	JKLPOLQ Store
85	JUNC Store
86	ka ka Store
87	Kavsenraies Official Store

88	KHT Store
89	Kinwoo Store
90	KK03 Store
91	KKL01 Store
92	Kpop Drop Ship Store
93	Kpop Harajuku Store
94	ku guo Store
95	KUAIP Store
96	Kunddy Store
97	LadyBaby Store
98	li jun Store
99	lianheguo Store
100	Linerken Factory Store
101	llp666 Store
102	Looking up to the high end Store
103	LovePeaceCareHope Store
104	manni999 Store
105	manzhu Store
106	Men's Accessory Store
107	ment-shirt Store
108	MU MU Store
109	mycustomhats Store
110	MyName Store
111	myphpjs Store
112	NingtwoNV Store
113	ONEJXS Store
114	ONELY Store
115	Personalityhat Store
116	PHL Store
117	pp-ou Store
118	Printed 100% cotton T-shirt 026 Store Store
119	Printed mask2 Store
120	PW-8 Store
121	RAEEK shirt Store
122	Recently Viewed Store
123	RL-Print Store
124	ROCKSIR-Clothing Store
125	Selina Store
126	SENNHOO Store
127	SevenHIGH Store
128	Sevgiliye Store
129	shanhei Store
130	SHENGZI Store
131	SHOP 9900016 Store
132	SHOP TSHIRT 007 Store

133	Shop1100080005 Store
134	Shop1737020 Store
135	Shop3125025 Store
136	Shop5057175 Store
137	Shop5123126 Store
138	Shop5230039 Store
139	Shop5242065 Store
140	Shop5245203 Store
141	Shop5431276 Store
142	shop5498874 Store
143	Shop5518107 Store
144	Shop5776002 Store
145	Shop5891645 Store
146	Shop633893 Store
147	shop654488548 Store
148	shop687899 tshirts Store
149	Shop900235138 Store
150	Shop900252368 Store
151	Shop910350074 Store
152	Shop910369324 Store
153	Shop910769015 Store
154	Shop911256403 Store
155	Shop911258211 Store
156	Shop911339160 Store
157	Shop911567447 Store
158	Shop911569193 Store
159	Shop912624023 Store
160	Shop912624059 Store
161	Shop912624062 Store
162	Shop912624409 Store
163	Shop912624410 Store
164	Shop912624463 Store
165	Shop912624591 Store
166	Shop912624617 Store
167	Shop912624656 Store
168	Shop912625167 Store
169	Shop912625168 Store
170	Shop912625508 Store
171	Shop912625529 Store
172	Shop912626121 Store
173	Shop912626292 Store
174	Shop912626356 Store
175	Shop912626412 Store
176	Shop912626473 Store
177	Shop912626531 Store

178	Shop912627071 Store
179	Shop912627166 Store
180	Shop912627347 Store
181	Shop912627445 Store
182	Shop912627546 Store
183	Shop912627578 Store
184	ShopAliaeDeewfuture Store
185	Sicilian Clothes Store
186	sixNN Store
187	sixsixsix Store
188	ST008 Store
189	sterbakov Official Store
190	SuAmeng Store
191	SUANGNIS Store
192	SUMENGXI Store
193	SuperIdol Store
194	swetty Store
195	szl-88 Store
196	tao bao Store
197	TeeTopPublic-NinetyEight Store
198	Thanks 555 Store
199	TINGGE TG Store
200	together flowers Store
201	Totogo Store
202	TPE01 Store
203	Trendy Kawaii Children's Store Store
204	treretew Store
205	T-SHIRT 18 Store
206	T-shirt 9900023 Store
207	T-shirt 9900026 Store
208	T-shirt 9900027 Store
209	T-Shirt High Quality Store
210	TSHIRT MEN 625 Store
211	T-shirt world Store
212	t-shirt10 Store
213	ULGEN ACCESSORIES
214	UUSunjoy Store
215	Very good T-shirt 188 Store
216	Very good T-shirt 191 Store
217	Very good T-shirt 194 Store
218	Very good T-shirt 195 Store
219	Very Good T-shirt V Store
220	Vinestees Store
221	Waidx Store
222	Water Ripple T-Shirts Store

223	WGTD 21 Adult Store
224	WGTD Tshirt 2 Store
225	WGTD4 child Store
226	Where's s66 Store
227	White Breeze Store
228	Will's Fashion Store
229	Winny Factory Outlet Store
230	WishShape Graphic Store
231	World Tops Store
232	XaYbZc Official Store
233	Xiaoyu Boutique Apparel Store
234	xiezhen..666 tshirts Store
235	xing trendy hat Store
236	xinggantao Store
237	YB ER Store
238	Yifee Bag Store
239	YuJiaI Store
240	YUXiaWU Store
241	YX002 Store
242	YX520 Store
243	YXB123456 Store
244	ZBenny Store
245	Zeali Factory Store
246	zhejiang manufacturer Store
247	Zhongzhong Store
248	zhuangshi Store
249	zsbingone Store
250	zx16816816888 Store